

**REMARKS**

This Amendment is in response to the Office Action dated August 6, 2009, setting a period of response up to and including November 6, 2009. Entry and consideration of the following amendments and remarks is respectfully requested.

Claims 1, 3-12 and 14-19 are currently pending in this Application, of which claims 1 and 12 are independent. Claim 2 has been cancelled. Claim 1 has been amended to include the limitation that the slip is flocculated and that a solution, containing a deflocculant and being distinct from the slip, is filtered through the deposit. Claim 12 has been amended to more clearly define the device as having a first tank containing a slip and a second tank containing a solution such that the slip and first tank are distinct from the solution and the second tank.

**Rejections under 35 U.S.C. §112**

Examiner rejected claims 1-12 and 14-19 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claims the subject matter Applicants regards as his invention. Specifically, as to claim 1, Examiner rejected the terms "under-flocculated" and "separate solution." As to claim 12, Examiner rejected the term "separate filtration solution."

Applicants have amended claims 1 and 12 to clarify the claims by eliminating these terms from claims 1 and 12. Specifically, as to claim 1, Applicants has removed both terms "under-flocculated" and "separate." Instead, Applicants has defined the slip to be flocculated, and that the slip is distinct from the solution. Applicants respectfully submits that the slip and the solution must be separate materials as

they are introduced into the mold in a "two-stage" method such that the slip is introduced first, and then the solution is introduced second. Claim 12 has been likewise amended to clearly claim that the first tank, containing the slip, and the second tank, containing the solution, are distinct from one another such that the slip and solution can be alternately, and separately, injected into the mold. Applicants further directs Examiner to Paragraph [0041] of the specification, for example, which states that the solution and slip are distinct from one another and are contained in two different tanks. Applicants respectfully requests that this rejection be withdrawn.

Rejections Under 35 U.S.C. § 102(b)

Next, Examiner rejected claims 1, 3-7, 9-11 and 14-18 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,972,263 (Goodman et al.). Goodman et al. was cited in the previous Office Action, and will not be discussed here.

Examiner cites to Goodman et al. as disclosing a slip cast under pressure. See Col. 2, lines 11-19; Office Action, Page 3. It is respectfully submitted, however, that Goodman et al. do not disclose this type of casting.

Specifically, Goodman et al. state that, regarding "pressure casting," that "the capital cost of the equipment is high" and further that "the method is commonly limited to simple two piece molds such as wash basins, and traditional plaster casting has still to be used for many items, notably closets." Col. 2, lines 11-19. Hence, the Goodman et al. reference does not disclose the use of pressure casting. Instead, Goodman et al. teach away from pressure casting and state that it is too expensive and limiting of a technology and that it is superior to use traditional casting techniques. *Id.* In fact, Applicants

respectfully asserts that pressure casting is not mentioned in any other part of the Goodman et al. reference, and is only limited to the above discussion of its short-comings. Goodman et al. focuses on the use of different types and proportions of clay and is not concerned with pressure casting.

Furthermore, Goodman et al. do not disclose a "two-stage method" as is claimed in claim 1. Specifically, claim 1 requires that a slip be casted, then, "once said slip has been cast into a deposit, filtering a solution containing a deflocculant through the deposit, said solution being distinct from said slip." Claim 1 thus requires a two-step method of casting the slip, then filtering a solution, and further that the solution and slip are separate and distinct from one another prior to the two-stage method.

Goodman et al. do not disclose these two-steps. Instead, Goodman et al. disclose a simultaneous casting of a slip and water, such that they are in contact throughout the casting process. Then, the water is removed from the casting. See Col. 1, lines 40-43. This is not a two-stage casting process, as is claimed in claim 1. Thus, Goodman et al. do not disclose each and every element of the claimed invention, as required by §102(b).

Examiner also rejected claim 12 under 35 U.S.C. § 102(b) as anticipated by Canadian Patent No. 2124863 (Marple). Marple was also cited in previous Office Actions and will not be reviewed here.

It is respectfully submitted that Marple does not disclose each and every element of the claimed invention as required by § 102(b). Specifically, Marple discloses two tanks, each containing a slip, which is a suspension. Marple does not

disclose one tank containing a slip and a second tank containing a solution, as is claimed in claim 12.

Moreover, Examiner states that the structure of Marple is capable of performing the claimed use. See Office Action, Page 9. However, the Examiner is merely adding limitations to the reference which are not actually present (similar to a §103 rejection, wherein such addition of elements to Marple would be considered improper hindsight. See MPEP §2145). Marple discloses two tanks for two slips. If one tank were filled with a solution rather than a slip, then the Marple disclosure would be ineffective.

Similarly, a person of ordinary skill in the art would not learn the device of claim 12 by viewing Marple as the structure in Marple is not the same as in this Application. Specifically, Marple does not disclose a device that can alternately, and separately, dispense the slip and the solution. Instead, Marple discloses a static mixer 26 which combines the two slips, dispensed from the two tanks, and thus suggests to a person of ordinary skill in the art that the two slips are meant to be combined and then passed on to the mold. Marple, Page 6, lines 15-24.

The present Application requires that the second tank be filled with a solution, and further that the slip and the solution can be supplied to the mold separately and alternately. Marple does not disclose these elements of claim 12, as amended. Marple merely discloses that the two tanks hold two different suspensions (slips) and does not disclose a tank containing a solution. Thus, Marple cannot anticipate claim 12, and Applicants respectfully requests this rejection be withdrawn.

Rejections Under 35 U.S.C. §103

Examiner also rejected claims 8 and 19 under 35 U.S.C. §103(a) as being unpatentable over Goodman et al.

Claims 8 and 19 are dependent on claim 1, and thus each includes every element found in claim 1. As Applicants believes claim 1 to be patentable, claims 8 and 19 must also be patentable, *inter alia*, by virtue of their dependence on claim 1.

Declaration of Thierry Chartier

The Declaration of Mr. Chartier, submitted with the previous Response on May 26, 2009 is sufficient, in the Applicants' opinion, to have overcome the previous rejections. Specifically, the Declaration was intended to explain why neither Goodman et al. nor Marple should have been considered as relevant prior art since neither related to pressure casting and a two-stage process and a device utilized in a two-stage process. Applicants respectfully requests this Declaration be reviewed in light of these points.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: November 6, 2009

Respectfully submitted,

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